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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER
KIM, PAUL

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		10/663,341	HANSEN ET AL.
		Examiner	Art Unit
		Paul Kim	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 June 2006</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>27 February 2006</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is responsive to the following communication: Response to Restriction

Requirement filed on 29 June 2006.

2.   Claims 1-28 are pending and present for examination. Claims 1 and 19 are independent.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 27 February 2004 is in compliance with

the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by

the examiner.

Drawings

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not

include the following reference sign(s) mentioned in the description:

- Paragraph 0030, Reference character 200.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing sheet should include

all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top

margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective

action in the next Office action. The objection to the drawings will not be held in abeyance.

5.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include

the following reference character(s) not mentioned in the description:

- Figure 2, Reference character 246;

- Figure 3A, Reference character 303; and

- Figure 5, Reference character 524.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification

to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in

reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only

one figure is being amended. Each drawing sheet submitted after the filing date of an application must

be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

If the changes are not accepted by the examiner, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   **Claims 1, 2, 7, 8, 15-16, and 19** are rejected under 35 U.S.C. 102(e) as being anticipated by

Reinhardt (U.S. Patent No. 6,722,169, hereinafter referred to as REINHARDT), filed on 8 July 1997, and

issued on 3 August 2004.

8.   **As per independent claims 1 and 19**, REINHARDT teaches:

> A method for intermittently accessing and retrieving data contained in a business data database, comprising the steps of:
>
>> A) receiving an indication to begin accessing records in the business data database
>> {See REINHARDT, col. 9, lines 2-7, wherein this reads over "[t]he retrieval, storage, modification, and search of data of the database is performed by means of the application programs via the control program. The user may by means of an input device or an output device access the data, input data, or may cause data to be output"};

> B) reading an entry in the business data database that includes business data {See REINHARDT, Figure 2; col. 1, lines 39-65, wherein this reads over "individual data fields information is contained about receipt number, date, first name, last name, and type of receipt"; and col. 6, lines 19-23, wherein this reads over "[a]ll field contents may be processed in the database system according to the invention in substantially the same manner, and in particular they may be indexed in the·same manner"};
>
> C) indexing at least a portion of the business data in an index {See REINHARDT, col. 7, lines 40-43, wherein this reads over "[t]his overall-index thereby is indexed over at least the field contents consisting of user data"};
>
> D) advancing to a next entry in the business data database; and
>
> E) repeating steps B-D.

When indexing data into an index, it would be inherent to advance to a next entry in the business data database in order to index the remainder of the data. Therefore, step D would be inherent to the aforementioned claim.

9.   **As per dependent claim 2**, REINHARDT teaches:

> The method of claim 1 further comprising the step of: pausing for a predetermined period of time prior to advancing to the next entry in the business data database.

When advancing to a next entry in a database, it would be inherent for there to be some pause in time since such advancement cannot occur instantaneously thereafter due to a minimum requirement of time in processing the next instruction.

10.   **As per dependent claim 7**, REINHARDT teaches:

> The method of claim 1 further comprising, creating a key in the index for the entry in the business data database, wherein the key corresponds to an identifier for the entry in the business data database {See REINHARDT, col. 3, lines 21-30, wherein this reads over "the data model of each database table has to take into account all data fields of all the data sets which potentially have to be stored in this database table" and "the so defined database table is capable of storing data sets which are in accordance with the predefined structure"}.

11.   **As per dependent claim 8**, REINHARDT teaches:

> The method of claim 7 wherein the step of indexing copies the at least a portion of the entry in the business data database to the key in the index {See REINHARDT, col. 10, lines 44-47, wherein this reads over "[t]he field description may also contain indications as to whether a field should be indexed or not when forming an index"; and col. 11, lines 21-27, wherein this reads over "[t]he overall-index is formed from the logical list by indexing, the indexing over the fields . . . consisting over user data but also over the field contents consisting of descriptors"}.

12.   **As per dependent claim 15**, REINHARDT teaches:

     The method of claim 1 further comprising the steps of: receiving an indication form a
        user indicating the portions of the entry to be copied to the index; and indexing that
        portion of each entry to the index {See REINHARDT, col. 10, lines 44-47, wherein this reads over
        "[t]he field description may also contain indications as to whether a field should be indexed or not when
        forming an index"}.

13.   **As per dependent claim 16**, REINHARDT teaches:

     The method of claim 15 further wherein indexing comprises: replacing the entry in the
        index with the business data in the business data database {See REINHARDT, col. 11, lines
        21-27, wherein this reads over "[t]he overall-index is formed from the logical list by indexing, the indexing
        over the fields . . . consisting over user data but also over the field contents consisting of descriptors"}.

Claim Rejections - 35 USC § 103

14.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

     (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
     section 102 of this title, if the differences between the subject matter sought to be patented and the prior art
     are such that the subject matter as a whole would have been obvious at the time the invention was made to a
     person having ordinary skill in the art to which said subject matter pertains.   Patentability shall not be
     negatived by the manner in which the invention was made.

15.   **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over REINHARDT, in view of

Brandli et al (U.S. 5,701,469, hereinafter referred to as BRANDLI), filed on 7 June 1996, and issued on 23

December 1997.

     REINHARDT teaches the limitations of claims 1, 2, 7, 8, 15-16, AND 19 for the reasons stated

above.

     REINHARDT differs from the claimed invention in that REINHARDT fails to specifically teach a

method wherein a timestamp of an entry is indexed (claim 9).

16.   **As per dependent claim 9**, REINHARDT, in combination with BRANDLI, discloses:

     The method of claim 8 wherein the step of indexing copies to the key a time stamp
        indicating a date the entry was last modified in the business data database {See
        BRANDLI, col. 7, lines 47-51, wherein this reads over "documents have been modified since the time
        indicated by the time stamp contained in the content index entries"}.

The combination of inventions disclosed in REINHARDT and BRANDLI would disclose a method wherein a timestamp indicating a date of modification is copied to the key. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by REINHARDT by combining it with the invention disclosed by BRANDLI.

One of ordinary skill in the art would have been motivated to do this modification so that the method would be able to update the entry according to the timestamps presented.

17.   **Claims 10 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over REINHARDT, in view of Official Notice.

REINHARDT teaches the limitations of claims 1, 2, 7, 8, 15-16, AND 19 for the reasons stated above.

REINHARDT differs from the claimed invention in that REINHARDT fails to specifically teach a method wherein a program returns to the first entry in a database subsequently to having reached the last entry in the database (claim 10).

18.   **As per dependent claims 10 and 24**, REINHARDT, in combination with Official Notice, discloses a method comprising, upon reaching a last entry in the business data database, returning to the first entry in the business data database and repeating steps B-D since it is well-known within the art to have a program loop around wherein the program is configured to intermittently access data in a database.

19.   **Claims 11-13 and 25-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over REINHARDT, in view of Official Notice, and in further view of BRANDLI.

20.   **As per dependent claims 11 and 25**, REINHARDT, in combination with Official Notice and BRANDLI, discloses:

> The method of claim 10 further comprising the step of: marking in the index a time
> stamp indicating when the first entry in the business data database was accessed
> {See BRANDLI, col. 7, lines 47-51, wherein this reads over "documents have been modified since the time
> indicated by the time stamp contained in the content index entries"}.

21.   **As per dependent claims 12 and 26,** REINHARDT, in combination with Official Notice and

BRANDLI, discloses:

> The method of claim 11 further comprising the step of: marking in the index a second
> time stamp indicating when the first entry in the business data database was
> accessed for a second time {See BRANDLI, col. 7, lines 47-51, wherein this reads over "documents
> have been modified since the time indicated by the time stamp contained in the content index entries"}.

22.   **As per dependent claims 13 and 27,** REINHARDT, in combination with Official Notice and

BRANDLI, discloses:

> The method of claim 12 when the business data database is accessed for a third or
> subsequent time, further comprising the steps of: replacing the first time stamp in
> the indexes with the time stamp contained in the second time stamp; and marking in
> the second time stamp a time stamp indicating when the first entry in the business
> data database was accessed for a third or subsequent time {See BRANDLI, col. 7, lines 47-
> 51, wherein this reads over "documents have been modified since the time indicated by the time stamp
> contained in the content index entries"}.

23.   **Claims 14 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over REINHARDT,

in view of Official Notice and BRANDLI, and in further view of Guturu et al (U.S. Patent No. 6,581,075,

hereinafter referred to as GUTURU), filed on 28 December 2000, and issued on 17 June 2003.

REINHARDT teaches the limitations of claims 1, 2, 7, 8, 15-16, AND 19 for the reasons stated

above.

REINHARDT differs from the claimed invention in that REINHARDT fails to specifically teach a

method wherein timestamps are compared and steps performed according to the results of the

comparison (claims 14 and 28).

24.   **As per dependent claims 14 and 28,** REINHARDT, in combination with Official Notice,

BRANDLI, and GUTURU, discloses:

> The method of claim 12 further comprising the steps of:

>> prior to indexing the entry, comparing the time stamp of the entry with the first time
>> stamp {See GUTURU, col. 1, lines 58-64, wherein this reads over "comparing a timestamp of the
>> data record to a timestamp of the data update request"};

>> if the time stamp of the entry is earlier than the first time stamp, then performing
>> step D;

if the time stamp of the entry is later than the first time stamp, then performing step
C {See GUTURU, col. 1, lines 58-64, wherein this reads over "the data record is updated with the
data update request if the time stamp of the data update request is substantially greater than the
timestamp of the data record"}.

The combination of inventions disclosed in REINHARDT, BRANDLI, GUTURU, and Official Notice

would disclose a method wherein timestamps are analyzed and compared so that if a timestamp of an

entry is earlier than that of a timestamp recorded for that entry in the index, the next record is

processed. Furthermore, should the timestamp be later that the recorded timestamp, the modified data

is then recorded to replace the existing data in the index.   Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify the above invention suggested by

REINHARDT by combining it with the invention disclosed by BRANDLI, GUTURU, and Official Notice.

One of ordinary skill in the art would have been motivated to do this modification so that the

method may properly take the appropriate steps subsequent to a timestamp comparison.

25.   **Claims 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over

REINHARDT, in view of Dayal (USPGPUB 2004/0172385, hereinafter referred to as DAYAL), filed on 27

February 2003, and published on 2 September 2004.

REINHARDT teaches the limitations of claims 1, 2, 7, 8, 15-16, AND 19 for the reasons stated

above.

REINHARDT differs from the claimed invention in that REINHARDT fails to specifically teach a

method comprising a step of allowing a user to terminate further access to entries in a database (claim

17).

REINHARDT differs from the claimed invention in that REINHARDT fails to specifically teach a

method comprising the step of display the progress of the method (claim 18).

26.   **As per dependent claim 17**, REINHARDT, in combination with DAYAL, discloses:

The method of claim 1 further comprising the steps of:

receiving an indication from a user to stop accessing entries in the business data
database {See DAYAL, Para. 0028, wherein this reads over "method for a client to inquire into the
status of an ongoing query and resuming the query from the pause record or terminating the query,
as desired"}; and

stopping the accessing of entries in response to the received stop indication {See DAYAL, Para. 0040, wherein this reads over "the client pauses the query execution, monitors the partial report, then either terminates the query or issues a continue request"}.

The combination of inventions disclosed in REINHARDT and DAYAL would disclose a method wherein the user may prompt the method to stop accessing entries in the database by pausing the execution. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by REINHARDT by combining it with the invention disclosed by DAYAL.

One of ordinary skill in the art would have been motivated to do this modification so that the user may pause the process from further accessing of entries should such be necessary to quell a system threshold overload.

27.   **As per dependent claim 18**, REINHARDT, in combination with DAYAL, discloses:

The method of claim 1 further comprising the steps of:

receiving an indication from a user to display the progress of the method {See DAYAL, Para. 0028, wherein this reads over "method for a client to inquire into the status of an ongoing query and resuming the query from the pause record or terminating the query, as desired"}; and

displaying to the user the progress of the method through the business data database {See DAYAL, Para. 0040, wherein this reads over "the client pauses the query execution, monitors the partial report, then either terminates the query or issues a continue request"}.

The combination of inventions disclosed in REINHARDT and DAYAL would disclose a method wherein the user may request the progress of the method be displayed by inquiring into the status of the process. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above invention suggested by REINHARDT by combining it with the invention disclosed by DAYAL.

One of ordinary skill in the art would have been motivated to do this modification so that the user may use the progress of the method to determine whether a pause in the method is necessary.

Allowable Subject Matter

28.   **Claims 3-6 and 20-23** would be allowable if rewritten to overcome the rejection(s) under 35

U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base

claim and any intervening claims.

Response to Arguments

29.   Applicant's arguments filed 19 June 2006 have been fully considered but they are not persuasive.

   a.   <u>Applicant's Arguments:</u>

        Applicant traverses the Restriction requirement presented on 25 May 2006 by asserting

that "Examiner did not point to any figures or portions of the specification for the assertion that

the claims were directed towards different species" and that "Examiner [failed to] provide any

basis upon which one could determine that 'an unduly extensive and burdensome search is

necessary'" (See Response to Restriction Requirement, pg. 1).

   b.   <u>Response to Arguments:</u>

        Regarding Applicant's above arguments, it is noted that Examiner is not required under

the MPEP to specifically point to any figures or portions of the specification. Furthermore, by

providing a Restriction in the claimed invention, such is an assertion of burden and provisioning

of any further basis is not necessary.

Conclusion

30.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Paul Kim whose telephone number is (571) 272-2737. The examiner can normally be

reached on M-F, 9am - 5pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Christian Chase can be reached on (571) 272-4190. The fax phone number for the organization where

this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained from

either Private PAIR or Public PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at

866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or

access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Kim
Patent Examiner, Art Unit 2161
Technology Center 2100

SAM RIMELL
PRIMARY EXAMINER